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**From:** CN=Don Waye/OU=DC/O=USEPA/C=US  
**Sent:** Thur 3/15/2012 9:51:14 PM  
**Subject:** Re: Fw: NWEA settlement - OR CNPCP

Thanks, Dave. Nice to see the OR chapter of the Society of American Foresters is at the spearpoint of environmental progressivism. At least working against the settlement agreement is #3 on their list, for whatever it's worth.

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**From:** David Powers/R10/USEPA/US  
**To:** allison.castellan@noaa.gov, Don Waye/DC/USEPA/US@EPA  
**Cc:** Jennifer Wu/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Helen Rueda/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA  
**Date:** 03/15/2012 12:00 PM  
**Subject:** Fw: NWEA settlement - OR CNPCP

I sat in on part of the dry run presentation that DEQ will give to mid-coast TMDL stakeholders. Gene Foster will be giving an overview of the OR CNPCP settlement agreement. EPA R10 will be sitting in on this first public meeting on the mid-coast TMDL early next week. DEQ has been getting calls from timber industry representatives who have expressed concern about DEQ's implementation ready TMDL approach. The environmental groups are focused on the mid-coast TMDL. As you know there has been some slippage on the TMDL schedule so I've been reminding DEQ about the importance of the TMDL to addressing CNPCP forestry issues, the NWEA settlement agreement, and EPA and NOAA's proposed and final decision on OR's CNPCP. We'll provide a download from the meeting.

p.s. I sat in on a meeting of the OR chapter of the Society of American Foresters. The top 3 priorities of the OR chapter were to oppose the 1) NPDES/logging road decision, 2) Pesticide General Permit, and 3) DEQ's IR TMDL approach. SAF has been active on the legislative and judicial front on the first two items. The mid-coast TMDL is the first IR TMDL so I anticipate some fireworks.

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----- Forwarded by David Powers/R10/USEPA/US on 03/15/2012 08:18 AM -----

From: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>  
To: David Powers/R10/USEPA/US@EPA  
Date: 03/15/2012 08:11 AM  
Subject: RE: NWEA settlement

Thanks Dave, I think this highlights the need to move forward and have a IR TMDL out for public comment by January 2013 with an expected issuance date of June 2013. We should know by June 2012 how well the IR TMDL development is going with the LSAC and TWG

From: David Powers [mailto:Powers.David@epamail.epa.gov]  
Sent: Thursday, March 15, 2012 8:03 AM  
To: FOSTER Eugene P  
Subject: NWEA settlement

Gene - I sent an e-mail yesterday on OR mid-coast approach and included some info based on the settlement agreement that I thought might be relevant to your presentation on the settlement:

3) The schedule for completing the IR TMDL and management measures/implementation plans is critical with respect to the settlement agreement. By Nov. 15, 2013 EPA and NOAA have committed via settlement agreement to notice a proposed decision in the Federal Register to issue: 1) a full, unconditional approval of OR's CNPCP or 2) a finding that the state has failed to submit an approvable CNPCP and announce intent to withhold CWA 319 funding and CZMA 306 funding to the State of OR. NOAA and EPA would then have until May 15, 2014 under the settlement agreement to issue: 1) the CNPCP approval memo or 2) a finding of failure to submit an approvable CNPCP and begin withholding 319/306 funding in the next funding cycle.

Since the IR TMDL is a cornerstone of the settlement agreement, getting an IR TMDL with management measures that we can evaluate to ensure that outstanding CNPCP issues are addressed... within the above timeframes is key. We'll need some time to review the IR TDML, complete our initial assessment, and publish the proposed finding in the FR.

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